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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 23643
Group: 1657
Confirmation No.: 8358
Application No.: 10/728,033
Invention: **Method for Repair of Body Wall**
Inventor: Stephen F. Badylak
Filed: December 4, 2003
Attorney
Docket: 3220-73985
Examiner: Laura J. Schuberg

ELECTRONICALLY FILED:
October 2, 2009

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop RCE

Director of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Statement is filed in the application identified above concurrently with a Request for Continued Examination pursuant to 37 C.F.R. § 1.56 and pursuant to the holding of the Federal Circuit Court of Appeals in the case *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003). In *Dayco*, it was held that a rejection of a substantially similar claim in a co-pending United States application being examined by another examiner is considered material to patentability. In an abundance of caution, and without any admission that the claims of the following applications are substantially similar, applicants are advising the Examiner of U.S. Patent Application Nos. 12/349,254, filed January 6, 2009;

10/500,511, filed June 30, 2004; 10/728,291, filed December 4, 2003; 10/775,386, filed February 10, 2004; (now U.S. Patent No. 7,482,025, issued September 21, 2009), and 10/134,416, filed April 29, 2002; (now U.S. Patent No. 6,793,939, issued September 21, 2004). The undersigned hereby acknowledges that the Examiner has access to the file histories of the above-listed applications and no copies of the issued office actions are being submitted with this Information Disclosure Statement. However, if the Examiner would like Applicants to provide copies of any file history documents, we will be glad to do so.

In accordance with 37 C.F.R. § 1.98(a)(2), no copies of the cited U.S. references are provided. A copy of each cited non-patent reference and each foreign patent are provided for review by the Examiner. No representation is intended that a complete search has been made of the prior art or that no better art references than those listed on the attached PTO Form 1449 are available.

The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

Applicants believe that no fees are required with this paper. However, the Director is authorized to charge any fees that might be due in connection with this Information Disclosure Statement to our Deposit Account No. 10-0435 with reference to our matter number 3220-73985.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read 'Frederick R. Green III', written over a horizontal line.

Frederick R. Green III
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